

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GREGORY NICHOLAS STESHENKO,  
Plaintiff,  
v.  
SUZANNE GAYRARD, et al.,  
Defendants.

Case No.:13-CV-03400-LHK

**ORDER DENYING DEFENDANTS'  
MOTION FOR RELIEF FROM  
NONDISPOSITIVE PRETRIAL ORDER  
OF MAGISTRATE JUDGE**

Re: Dkt. No. 99

Defendants challenge Magistrate Judge Lloyd's order requiring Defendants to produce certain applications to the CLS and SCILL programs, and the time within which Defendants must produce said documents. Having reviewed Defendants' motion, ECF No. 93, the parties' submissions before Judge Lloyd, and Judge Lloyd's "Order re Discovery Dispute Joint Report No. 1," ECF No. 98, the Court concludes that Judge Lloyd's nondispositive pretrial order is neither "clearly erroneous" nor "contrary to law." Fed. R. Civ. P. 72(a).

First, Judge Lloyd's decision that certain applications to the CLS and SCILL programs are relevant to Plaintiff's claim that Defendants have engaged in a pattern and practice of age discrimination is not clearly erroneous or contrary to law. Judge Lloyd limited the scope of

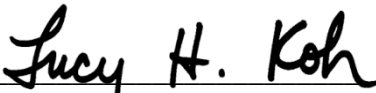
1 Plaintiff's proposed discovery and concluded that production of additional application documents  
2 from 2009-2013 is necessary "to make the over-40 group production meaningful." ECF No. 98, at  
3 3. Defendants offer no persuasive reason why Judge Lloyd's ruling is clearly erroneous.

4 Second, Defendants have been fully aware that they would have to produce at least some  
5 volume of CLS and SCILL applications since November 19, 2014. *See* Discovery Letter Brief:  
6 Discovery Dispute Joint Report No. 1, ECF No. 70. Moreover, Judge Lloyd acknowledged  
7 Defendants' concern regarding the time required to produce the ordered discovery and explicitly  
8 rejected Defendants' request for 45 days. *See* ECF No. 98, at 4 ("The court will give CSU some  
9 extra time to complete its production---albeit, not the 45 days it asks for."). This decision is not clearly  
10 erroneous or contrary to law.

11 For the reasons stated above, the Court DENIES Defendants' motion for relief.

12 **IT IS SO ORDERED.**

13 Dated: February 11, 2015

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15 LUCY H. KOH  
16 United States District Judge  
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